

ONE AMERICAN AND TWO MEXICANS KILLED IN BATTLE

WORLD COURT PLAN IS VALID, TAFT ASSERTS

Former President, Speaking
Before League to Enforce
Peace, Defends Consti-
tutionality Project.

TAKES SHARP ISSUE
WITH BRYAN'S VIEW

Declares Treaty Would Not
Nullify Power of Congress
to Declare War.

Cites Precedents.

WASHINGTON, May 26. — In a lengthy address, replete with legal citations and statements of precedent, former President William Howard Taft today defended the plan for the establishment of a permanent court to decide all "justifiable questions" arising between nations, as fathered by the League to Enforce Peace.

As president of the league, the former chief executive presided over the first annual convention of the organization and replied in detail to the objections that have been raised in various quarters against its plan. The convention is one of the most notable ever held in Washington and will come to a climax tomorrow night when President Wilson is expected to discuss international arbitration and indicate why he does not consider the time ripe for a renewal of his original offer of mediation to the European belligerents.

Calls Plan Valid.

In opening his address Mr. Taft explained that he had been assigned to reply to the constitutional objections raised against the first and third planks in the platform of the league. The first provides for the establishment of a permanent court, and the third for the enforcement of the decisions of such permanent court by the military and naval forces of the signatories to the convention. In connection with the first objection the claim has been raised that it would be impossible to decide what questions are and what are not "justifiable" and also that the president and senate have no authority under the constitution to enter into such an agreement. The court would, Mr. Taft explained, decide this question itself upon its merits.

Right to enter into such an agreement, the speaker argued, is certain. He said:

"The United States is a nation, and from a foreign standpoint, a sovereign nation, without limitation of its sovereignty. It may therefore, through its treaty-making power, consent to any agreement with other powers relating to subjects matter that are usually considered and made the subject of treaties."

Cites Precedents.

Mr. Taft then cited various precedents which he explained, showed the undisputed authority of the president and senate to enter into arbitration treaties along the lines suggested by the league. The senate already was on record, he said, as favoring the establishment of a permanent international prize court.

Taking up the objections to the use of the military and naval forces of the signatory nations to enforce the decisions of the court, which, it is claimed, violates the constitution by taking away from congress the power to declare war, Mr. Taft took sharp issue with former Secy of State William Jennings Bryan. The latter recently declared at the Lake Mohonk conference that the plank violated the constitution.

Denies Bryan View.

In this connection Mr. Taft said: "I venture to think that this view is wholly without foundation. Although it's not necessary, I am willing to accept the assumption that some kind of a council should be appointed by the powers to make the announcements when the time had come for the use of economic and military forces against the recalcitrant member. Does that take away from congress the power to declare war? It does not. If the war is a foreign one it could not be begun under the constitution until congress had declared war." Congress might decline to exercise its power and declare war. What would be the effect of that? It would merely be a breach of faith on the part of the United States and we would not go to war. If congress fails to declare war and thus comply with the binding obligations created by the treaty-making power, then it merely breaks the contract of the

Ex-Wife Sues Her Ex-Husband For Babies' Support

An interesting case in which a divorced wife of South Bend is suing her divorced husband, now a resident of South Dakota, for money with which to support and educate their two children, was instituted Friday in the circuit court. According to the complaint, Petro J. Randolph deserted his wife, Mrs. Martha A. Randolph, and children on July 1, 1914. On Oct. 20 of the same year she secured a divorce, service on the husband being by publication.

Since that time, the wife alleges, she has been supporting the children, applying \$10 a month out of her own earnings.

It is further contended that the husband is buying property in South Bend on a land contract basis. The purchase price was \$250, of which the husband has paid \$21.

The wife asks a judgment against her husband of \$204.

William C. Jackson, Mary H. Jackson, Laura Bell Jackson, Fannie B. Jackson, Charles L. Jackson, William C. Jackson, trustee, Mary E. Collins, Dora J. Staples, Isaac W. Staples, F. M. Jackson and Belle Jackson are all named defendants, it being charged that they were the vendors of the property.

Heirs Contest Will Of Catholic Priest Involves \$26,123

Suit to contest the validity of a will left by the Rev. Cornelius Delehaunty who died in April 1915, was filed Friday afternoon in the circuit court by Mary Ida Delehaunty, Ida Smith and Catherine Butler, who allege that they are the rightful heirs.

By the terms of the will, \$4,000 was left to the St. Vincent's Orphan asylum, San Rafael, Calif.; \$4,000 to Roman Catholic Orphan association, San Francisco, Calif.; \$2,000 to the Mission of the Immaculate Virgin for destitute children of the city of New York; \$3,000 to the society for the Propagation of Faith of New York; \$3,000 to the Holy Children's society of Pittsburgh, Pa.; \$4,000 to the Holycross college, Brookland, D. C. and \$200 to the University of Notre Dame Du Lac, which last sum was to be used in saying masses for the decedent.

Mary Ida Delehaunty and Ida S. Smith are the daughters of Patrick Delehaunty, a brother of the deceased Notre Dame priest and are therefore entitled to one-sixth of the property, according to the complaint. Catherine Butler, it is alleged, is a sister of the decedent and entitled to a third of the estate while Julia Durray is a daughter of John Delehaunty and should be given a third.

An appraisement of the personal estate fixes the value of the property at \$26,123.01. Undue influence and unsoundness of mind are alleged as with other powers relating to subjects matter that are usually considered and made the subject of treaties.

Cites Precedents.

Mr. Taft then cited various precedents which he explained, showed the undisputed authority of the president and senate to enter into arbitration treaties along the lines suggested by the league. The senate already was on record, he said, as favoring the establishment of a permanent international prize court.

Taking up the objections to the use of the military and naval forces of the signatory nations to enforce the decisions of the court, which, it is claimed, violates the constitution by taking away from congress the power to declare war, Mr. Taft took sharp issue with former Secy of State William Jennings Bryan. The latter recently declared at the Lake Mohonk conference that the plank violated the constitution.

Denies Bryan View.

In this connection Mr. Taft said: "I venture to think that this view is wholly without foundation. Although it's not necessary, I am willing to accept the assumption that some kind of a council should be appointed by the powers to make the announcements when the time had come for the use of economic and military forces against the recalcitrant member. Does that take away from congress the power to declare war? It does not. If the war is a foreign one it could not be begun under the constitution until congress had declared war." Congress might decline to exercise its power and declare war. What would be the effect of that? It would merely be a breach of faith on the part of the United States and we would not go to war. If congress fails to declare war and thus comply with the binding obligations created by the treaty-making power, then it merely breaks the contract of the

ALWARD FINED \$45; FIRST CONVICTION

Superior Court Finds Him
Guilty of Keeping Gam-
bling House.

The first conviction in the 132 indictment cases was returned Friday morning. Harry Alward, 510 W. Division st., was found guilty of keeping a gaming house and fined \$45 and costs.

Alward with eight or nine other defendants was arrested following a raid on his place Feb. 8. Officers Diller and Olmstead testified that they had visited this place three different times.

The testimony of five other police officers who made the raid substantiated the evidence given by the two "plainclothes" investigators. In seven other cases in which the two detectives were the only witnesses for the state, there were acquittals.

Immediately following the finding by the jury against Alward, the attorneys for the other defendants arrested with Alward, took changes of venue from the court. The attorneys stated that they did not care to go before the superior court jury.

The jurors deliberated over four hours Thursday night before returning a verdict.

The case of Mabel Kline, charged with operating a house of ill fame, was begun this morning.



TEXAS POSSE GUARDING BORDER. (CINIL FILM SERVICE.)

MEXICANS STONE U. S. TRUCK TRAIN

Carranzistas Soldiers and
Civilians Join in Attack
on Americans.

International News Service.
COLUMBUS, N. M., May 26.—Carranza soldiers and civilians at Casas Grandes stoned an American truck train in command of Capt. Harper, coming north from Namiquipa, on Wednesday afternoon, injuring a truck squad foreman and several drivers.

The train arrived here today with an account of the attack. Acting on orders of Capt. Harper, the Americans fired no retaliatory shots at their assailants, but merely put on additional speed and drew away in a shower of clubs and stones.

The men's hurts are painful, but not serious.

The attack of Wednesday is the second to which truck trains operating between here and Gen. Pershing's base have been subjected.

Soldiers accompanying the train as guards declared the situation is fast becoming grave along Gen. Pershing's line of communication.

Numerous times they were forced to stop and cut barbed wire which had been placed across the deeply rutted roads to block their progress.

Arriving a few miles north of Namiquipa Wednesday afternoon the train was halted to give the drivers a brief rest. A crowd gathered about the train. It was civilians and a number of Carranza soldiers in uniform. From some part of the throng came a heavy stone, striking one of the men in the mouth. As if at a signal, the mob began hurling stones, heavy sticks, anything it could get its hands on, according to the soldiers. Many women joined in the stoning.

Capt. Harper hurriedly gave the command to move, and the train pulled out amid a shower of missiles and jeers.

GERMAN FLYERS SHELL VILLAGE IN GREECE

International News Service.
SALONIKI, May 26.—A squadron of German aeroplanes has bombarded Kilindir and the adjacent country, where the allies have an important concentration camp. News of the attack was given out at allied headquarters today.

Kilindir is in Greece four and one-half miles south of Lake Doiran.

The Greek village of Istovo has been shelled by Bulgarian artillery and reduced to ruins.

BEAUTIFUL CHURCH BURNS.

International News Service.
TERRE HAUTE, Ind., May 26.—An investigation was started today to determine the cause of the fire which destroyed the beautiful Centenary Methodist church last evening at a loss of \$109,000.

One theory of defective wiring has been advanced. There was \$35,000 in insurance.

PRESBYTERIANS URGE RELIEF FOR JEWS

Ask Wilson to Facilitate Interna-
tional Conference For Per-
manent Aid.

International News Service.
ATLANTIC CITY, N. J., May 26.—The Presbyterian general assembly today adopted resolutions advocating an international conference to give permanent relief to the suffering Jews in Russia. It was decided to petition President Wilson to intercede with the foreign powers to this end.

Discussion of the war was avoided by reference to a special committee of a communication from the League to Enforce Peace, sponsored by ex-President Taft, asking for support in the league's propaganda.

An overture from the New York synod urging uniform marriage laws, was adopted. The measure advocates the invalidating of remarriages of parties forbidden by law to enter into matrimonial contracts.

The assembly refused to endorse an overture making Good Friday a day of special observances.

The assembly selected Dallas, Texas, for its 1917 meeting by a vote of 265 to 230 for St. Louis, the honor being sought also by Atlantic City, Columbus, Ohio, Saratoga Springs, N. Y., and Seattle, Wash.

BEACH MUNITIONS SHIP.

International News Service.
HONG KONG, May 26.—Following an outbreak of fire on board the British steamship Wisley, bound from New York to Vladivostok with a cargo of war munitions, has been beached in Vungro bay on the coast of Coochin China. Help has been summoned.

TRENTINO BATTLE IS NEARING A CRISIS

Struggle Between Austrians
and Italians Reaching
Decisive Stage.

International News Service.
MILAN, May 26.—The Trentino battle is now raging at its height and is about to enter the decisive stage. The Italian army has been meeting for the last 12 days an Austrian onslaught conducted with a force of 300,000 men and from 1,000 to 2,000 guns, with a similar array of force, and although the first phase of this struggle of giants seems slightly in favor of the Austrians, the next few days probably will turn the tables in favor of the Italians.

The territory so far sacrificed by the Italians consists of some advanced mountain spurs between the Adige and Vallarsa, including Foppiano and Zugna Torta.

Parts of the territory thus evacuated under superior orders are from five to seven kilometers. With the exception of Zugna Torta, Campomolo and Verena no really important strategic position has been sacrificed and the Austrian boasts of having captured some thousands of prisoners who were mostly wounded and defended their positions to the last moment.

TO GIVE DIPLOMAS FRIDAY, JUNE 2

High School Graduating Class
of 158 Within Two of
Largest in History.

Commencement Program.
10:45 o'clock Sunday, May 28, Baccalaureate sermon.
8:15 Wednesday, May 31, Senior play.
8:00 Friday, June 2, Commencement program.
9:00 Saturday, June 3, Final assembly, award of athletic emblems, medals, etc.

On Friday evening, June 2, at 8 o'clock the commencement exercises of this year's graduating class at the South Bend high school will begin. The total enrollment of the class is two less than the highest number of students ever graduated in one year, this year's class numbering 158. The commencement exercises will be given entirely by class talent, no outside speaker having been engaged.

Resides the valedictorians, a salutarian has been selected as well as a class prophet and class historian. The high school orchestra will furnish music throughout the program. Carl Prett, president of this year's class, will deliver the address in behalf of the class.

This next week will be given over to final tests and preparation for the exercises. The first event on the program is the baccalaureate sermon which will be given by Rev. C. A. Lippincott, at the First Presbyterian church on Sunday morning at 10:45 o'clock. "Life Building" is the subject.

On next Wednesday evening at 8:15 o'clock "Capt. Letterblair," the senior play, will be given in the high school auditorium. Miss Gena Thompson has been coaching the class. Carl Prett and Gertrude Wiser have the leading parts.

Friday evening the diplomas will be awarded by Prin. Sims, while on Saturday morning the final assembly of the year will be held. At this time the grade cards will be distributed as will the senior edition of the Interlude. The final edition is to be

FRENCH IN VIGOROUS ATTACK ON TEUTONS

Recapture Trench West of
Meuse River in Coun-
ter Assaults.

International News Service.
PARIS, May 26.—While the Germans were pouring away with their big guns against the French positions west of the Meuse river last night, the French suddenly directed vigorous counter attacks east of the river, recapturing a trench which the Germans had taken 24 hours earlier.

A continuous cannonade of terrific power was carried out against the French positions at Le Mort Homme (Dead Man's hill) and in Avocourt wood, the French war office announced today in its official communique.

After the French trenches at Le Mort Homme had been shelled for some time, the Germans delivered an infantry attack, but it was repulsed by the hot machine gun fire and the curtain fire of the French artillery.

As the Germans retired their big guns behind the battle line again got into action and the bombardment of the French positions was resumed with its previous fury.

To the east of the Meuse river the French attacked between Haudromont quarry and Tillemont farm, where they penetrated a German trench. This earthwork remained in French hands.

Mrs. H.A. Barnhart Is Seriously Ill

News-Times Special Service.
ROCHESTER, Ind., May 26.—According to word received here this morning from Congressman H. A. Barnhart, at Baltimore, the illness of Mrs. Barnhart has assumed such a serious complication that the Johns Hopkins specialists have ordered her to be in the university hospital to take treatment for two weeks more.

Heart trouble is given as the nature of her ailment. Mrs. Barnhart has been ill all winter but only recently did her trouble grow dangerous. The congressman has cancelled a speaking engagement for Palestine, near Warsaw on Decoration day, his place to be filled by Rev. G. C. Chandler of this city.

URGE HUGHES TO QUIT BENCH BEFORE JUNE 7

Republican Friends of Justice
Assert His Announcement
of Candidacy Would
End Fight.

BORAH WILL OFFER
THE MEXICAN PLANK

"Watchful Waiting" to Come
in For Severe Criticism in
Platform—Only 53 Con-
tests to be Decided.

International News Service.
WASHINGTON, May 26. — Close friends of Justice Charles E. Hughes, fully convinced that he is to be the republican presidential nominee, will endeavor to influence him to resign from the bench before the Chicago convention assembles and to announce his candidacy. They assert that if he could do so now the fight would be over.

The Hughes sentiment, they claim, is spreading like wildfire through the southern delegates and the justice has followers in every state delegation. So far Mr. Hughes positively has refused to discuss politics even with judicial associates. It was said today by a fellow member of the supreme court bench that there was not a single member who had the slightest idea what the justice's position was. He has been good humoredly chaffed about his possible nomination and has replied in kind, but at no time has he made a single statement that would permit any line on his personal thoughts regarding the republican nomination.

Say Hughes is Certain.

Progressive senators who stuck by the republican party in the last national campaign thereby cementing their reputations for party regularity, are a unit in believing that the nomination of Justice Hughes is as certain at Chicago as is the re-nomination of President Woodrow Wilson at St. Louis a week later. They are devoting most of their attention to questions of platform and several prospective planks already have been framed. Sen. William E. Borah of Idaho, will offer the Mexican plank, which will denounce watchful waiting. He has held several conferences with border senators on the subject and it is expected that the platform declaration will assail all the administration's moves in Mexico. The entire international policy of the administration also is to be handled without gloves. In this connection it is expected that this plank will be framed by Sen. Lodge of Massachusetts, who has decided views on what he claims has been

FRENCH IN VIGOROUS ATTACK ON TEUTONS

Recapture Trench West of
Meuse River in Coun-
ter Assaults.

International News Service.
PARIS, May 26.—While the Germans were pouring away with their big guns against the French positions west of the Meuse river last night, the French suddenly directed vigorous counter attacks east of the river, recapturing a trench which the Germans had taken 24 hours earlier.

A continuous cannonade of terrific power was carried out against the French positions at Le Mort Homme (Dead Man's hill) and in Avocourt wood, the French war office announced today in its official communique.

After the French trenches at Le Mort Homme had been shelled for some time, the Germans delivered an infantry attack, but it was repulsed by the hot machine gun fire and the curtain fire of the French artillery.

As the Germans retired their big guns behind the battle line again got into action and the bombardment of the French positions was resumed with its previous fury.

To the east of the Meuse river the French attacked between Haudromont quarry and Tillemont farm, where they penetrated a German trench. This earthwork remained in French hands.

LATEST in the News World

LANSING DENIES RUMOR.
International News Service.
WASHINGTON, May 26.—Positive and emphatic denial was forthcoming from both the white house and the state department today of rumors aloft last night that Secy of State Robert Lansing was to resign his post because he did not endorse the foreign policy of Wilson. The first denial came from the secretary himself.

HURT IN FOOD RIOTS.
AMSTERDAM, May 26.—Eighteen women were wounded in a fight between the police and food rioters in Frankfurt-on-the-Main on Wednesday night, according to information received here today. Three hundred and fifty women attacked butcher shops in Frankfurt because of the scarcity of meat.

TO VOTE THURSDAY.
International News Service.
WASHINGTON, May 26.—A tentative agreement to vote next Thursday on the nomination of Louis D. Brandeis to be associate justice of the supreme court was reached at a joint session of democratic and republican leaders of the senate this afternoon.

GREEK CABINET QUILTS.
International News Service.
ATHENS, May 26.—The Greek cabinet has resigned. The resignation of the ministry was brought about by growing political unrest over conditions imposed upon Greece by the war and the intervention of Anglo-French forces in Greek territory.

KILLED BY COUNTERFEITER.
International News Service.
SAN FRANCISCO, Calif., May 26.—Police Sgt. John J. Moriarty was shot and killed today by an alleged counterfeiter whom he was attempting to arrest for the murder of his two confederates.

COMPERS TO SEE STRIKERS.
International News Service.
CHICAGO, May 26.—Samuel Gompers, president of the American Federation of Labor, is to hold a conference today with leaders in the textile, export and drivers' strikes, with a view of settling the strike, which has been featured with violence, will be taken up.

"I AM READY TO DIE," SAYS WAITE

Defendant, Apparently Indif-
ferent to Fate, Bares De-
tails of Crime.

International News Service.
NEW YORK, May 26.—Indifferent to the fate which will be meted out to him for the murder of his father-in-law, John E. Peck, Dr. Arthur Warren Waite, under cross examination today, frankly testified that he did not fear the electric chair.

"I am prepared to die," he said.

The sordid details of thievery and killings in which Waite yesterday paid himself as a monster of the blackest kind, were lacking today. There was little to be developed under the state's cross examination.

Waite admitted that he knew it was wrong to steal, for he had stolen all his life, and that it was wrong to murder as he had murdered his wife's parents.

Miss Catherine Peck, sister of the murdered man, followed Waite on the stand, and testified about buying some marmalade and after opening it a second time found in it something like sand. This was the ground given which Waite admitted he placed in the marmalade.

Admits Her Affection.

Miss Peck admitted that she had a great affection for Waite, and believed he was fond of her. She told of giving Waite charge of certain business matters for her.

The defense did not bring out the fact that Waite had also stolen money and jewelry from Miss Peck, the prosecution admitting the stealing.

Dr. Minus S. Gregory, psychopathic expert in Bellevue, told of Waite's condition when he was brought to the prison ward at the hospital. He said he was suffering from poison, but seemed able at all times to answer questions and appeared to comprehend what was said to him.

Waite on Stand.

Dr. Waite calmly recounted on the witness stand Thursday night, how he attempted to cause the death of Miss Catherine Peck, the wealthy aunt of his wife and his own benefactor, by feeding her

NOTED BANDIT, AID OF VILLA IS ONE VICTIM

Candelaria Cervantes, Fier-
est and Most Trusted of
Pancho's Leaders is
Killed by Americans.

International News Service.
SAN ANTONIO, Texas, May 26.—Gen. Pershing today reported to Gen. Funston the following casualties in the battle between American troops and Villistas at Cruces, Mexico:

Lance Corporal Davis Marksbury, shot right lung, died in an hour; Private George F. Nicholas, machine gun corps, 17th infantry, shot right arm, left leg, serious.

Private George Hulitt, machine gun corps, 17th infantry, shot left knee, not serious.

FIELD HEADQUARTERS.
UNITED STATES ARMY, NEAR NAMIQUIPA, Mexico, May 25 (via radio to Columbus, N. M., May 26).—A short, sharp battle between a force of American army engineers and a gang of Mexican bandits under the leadership of the renowned Candelaria Cervantes, one of Pancho Villa's most trusted lieutenants, was fought this morning south of Cruces.

Three Americans were wounded, one so badly that he died a short time after, and two of the bandits were killed, several wounded and the band scattered. Among those killed was Cervantes himself.

An official report of the battle was made today to Gen. Pershing at his headquarters here.

The engineers were working on road repairs six miles south of Cruces. With them were a few soldiers, acting as escort.

Make Surprise Attack.

The Mexicans made a surprise attack. Cervantes has been hunted from pillar to post the last two weeks. His ranks depleted, his men tired and half starving, they were ready for anything. Army officers say Cervantes must have been in desperate straits to attack the engineers when they knew that the garrison only six miles away was a company of the 12th cavalry and a machine gun troop of the 17th infantry.

The Mexicans dashed over a small hill and down on the unsuspecting Americans as they worked in a small ravine. Three Americans dropped at the first volley. The soldiers rallied instantly and returned shot for shot at close range. It is due, probably, to the miserable marksmanship of the Mexicans that the little party was not annihilated.

A messenger was dispatched to the garrison post haste for aid. Two companies of cavalry, one from the 13th under Lieut. B. T. Merchant, New York, and the other of the 11th in command of Capt. Gay Cushman of Newport, R. I., were sent in pursuit. With them were several machine guns.

Bandits Overtaken.

After pursuing the bandits for several miles, they were overtaken as they were making for the shelter of the mountains in the Buena country. In the engagement which followed, the two Mexicans were killed, an unknown number wounded and the rest made good their escape in the wild country.

The body of Cervantes was positively identified by residents of Las Cruces. Gen. Pershing, however, has ordered the body brought here for more complete examination.

One of the Americans wounded was Private Hulitt of the 17th infantry, who was in charge of the machine gun, and who killed both of the Mexicans. His wound is not believed to be serious.

The point at which the attack was made was about the last place it could be expected, according to army officers.

More Than Score in Gang.

Opinions as to the number of bandits in the gang vary, but reports say that there were only between 20 and 30.

The death of Cervantes will go far toward clearing up the banditry in this section. Cervantes has been noted as one of the most ferocious of the outlaws that have made Mexico a chaotic scene.